The FRAME OF THE GOVERNMENT Of the *Province* of Pennsylvania In *America*.

Printed, and Sold by *Andrew Soule* at the Crooked-Billet in *Holloway-Lane* in *Shoreditch*, 1691.

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The Frame of the Government of the Province of *Pennsylvania*, &c. in *America*.

TO all Persons to whom these presents may come: Whereas *King Charles* the second, by his Letters *Patents* under the *Great Seal* of *England*, bearing date the Fourth Day of *March*, in the Thirty Third Year of the *King*, for divers Considerations therein mentioned, hath been Gratiously pleased to give and grant unto me *William Penn*, by the Name of *William Penn Esquire*, Son and Heir of *Sir William Penn* Deceased, and to my *Heirs* and *Assignes*, for ever, All that Tract of *Land* or *Province* called *Pennsylvania* in *America*; with divers great *Powers*, *Preheminences*, *Royalties*, *Jurisdictions* and *Authorities*, necessary for the well-being and Governing thereof. *And* whereas the *King's* Dearest Brother *James Duke* of *York* and *Albany*, &c. by Deeds of Feoffment under his Hand and Seal, duly perfected, bearing date the four

and Twentieth day of *August*; One Thousand Six Hundred Eighty and Two, of all that Tract of *Land*, lying and being from Twelve Miles Northward of *New-Castle* upon *Delaware River*, in *America*, to *Cape Inlopen*, upon the said *River* and *Bay* of *Delaware* Southward; Together with all *Royalties*, *Franchises*, *Duties*, *Jurisdictions*, *Liberties* and *Privileges*, thereunto belonging; Now *know ye* that for the well-being and *Governing* of the said *Province*, and *Territories* thereunto annexed, and for the Incouragement of all Free-men and Planters, that may be therein concerned, in Pursuance of the *Rights* and *Powers* aforementioned, I the said *William Penn*, have declared, granted and *Confirmed*, and by these presents for me, my *Heirs* and *Assigns*, do *Declare*, *Grant* and *Confirm*, unto all *Free-men*, *Planters* and *Adventurers*, of, in and to the said *Province* and *Territories* thereof, these *Liberties*, *Franchises* and *Properties*, so far as in me lieth, to be *Held*, *Injoyed* and *Kept* by the Free-men, Planters and Adventurers, of, and in the said *Province* of *Pennsylvania*, and *Territories* thereunto Annexed forever.

Imprimis, *That* the *Government* of this *Province* and *Territories* thereof, shall from time to time, according to the *Powers* of the *Patent*, and *Deeds* of Feoffment aforesaid, Consist of the Proprietary and Governour, and the Freemen of the said *Province*, and *Territory* thereof, in the form

of

of a Provincial Council and Assembly; which Provincial Council shall consist of eighteen Persons, being three out of each County, and which Assembly shall consist of thirty six Persons, being six out of each County, men of most note for their Virtue, Wisdom and Ability, by whom all Laws shall be made, and Publick Affairs transacted, as is hereafter limited and declared.

2*dly*. There being three persons already chosen for every respective County of this Province, and Territories thereof, to serve in the Provincial Council, one of them for three Years; one for two Years, and one for one Year, and one of them being to go off Yearly in every County: That on the tenth Day of the first Month yearly forever after, the Free-men of the said Province and Territories thereof, shall meet together in the most convenient place in every County of this *Province*, and *Territories* thereof, then and there to chuse one Person, qualified as aforesaid, in every County, being one third of the number to serve in Provincial Council for three Years, it being intended that one third of the whole Provincial Council, consisting and to consist of eighteen Persons, falling off yearly, it shall be yearly supplyed with such yearly Elections, as aforesaid, and that one Person shall not continue longer than three Years: And in case any Member shall decease

before

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2*dly*. There being three persons already chosen for every respective County of this Province, and Territories thereof, to serve in the Provincial Council, one of them for three Years; one for two Years, and one for one Year, and one of them being to go off Yearly in every County: That on the tenth Day of the first Month yearly forever after, the Free-men of the said Province and Territories thereof, shall meet together in the most convenient place in every County of this *Province*, and *Territories* thereof, then and there to chuse one Person qualified as aforesaid, in every County, being one third of the number to serve in Provincial Council for three Years, it being intended that one third of the whole Provincial Council, consisting and to consist of eighteen Persons, falling off yearly, it shall be yearly supplyed with such yearly Elections, as aforesaid, and that one Person shall not continue longer than three Years: And in case any Member shall decease before

before the last Election during his time, that then at the next Election ensuing his decease, another shall be chosen to supply his place for the remaining time he was to have served, and no longer.

3*dly* That after the first seven Years, every one of the said third parts that goeth yearly off, shall be incapable of being chosen again for one whole Year following, that so all that are capable and qualified, as aforesaid, may be fitted for Government, and have a share of the care and burthen of it.

4*thly*. That the Provincial Council in all cases and matters of moment, as their arguing upon Bills to be past into Laws, or proceedings about erecting of Courts of Justice, sitting in Judgment upon Criminals impeached, and choice of Officers in such manner as is herein after expressed, not less then *two Thirds* of the whole, shall make a *Quorum*, and that the consent and approbation of two thirds of the *Quorum* shall be had in all such cases or Matters of Moment. And that in all cases and matters of lesser moment, one Third of the whole shall make a *Quorum*, the Majority of which shall and may always determine in such Cases and Causes of lesser moment.

5*thly*.

5thly. That the Governour and Provincial Council shall have the Power of preparing and proposing to the Assembly hereafter mentioned, all Bills which they shall see needful, & that shall at any time be past into Laws within the said *Province* and *Territories* thereof; which Bills shall be published and affixed to the most noted place in every *County* of this *Province* and *Territories* thereof twenty days before the meeting of the Assembly, in order to passing them into Laws.

6thly. That the *Governour* and *Provincial Council* shall take care, that all Laws, Statutes and Ordinances, which shall at any time be made within the *Province* and *Territories*, be duly and diligently executed.

7thly. That the Governour and Provincial Council shall at all times have the care of the Peace and Safety of this *Province* and *Territories* thereof; and that nothing be by any Person attempted to the Subversion of this frame of Government.

8thly. That the Governour and Provincial Council shall at all times settle and order the Situation of all Cities and Market-Towns in every County, m delling therein all publick Buildings, Streets, and Market-places, and shall

ſhall appoint all neceſſary Roads & High-ways in this *Province* and *Territories* thereof.

9*thly*. That the Governour and Provincial Council ſhall at all times have power to inſpect the management of the publick Treaſury, and puniſh thoſe who ſhall convert any part thereof to any other uſe, than what hath been agreed upon by the Governour, Provincial Council and Aſſembly.

10*thly*. That the Governour and Provincial Council ſhall erect and order all publick Schools, and encourage and reward the Authors of uſeful Sciences; and laudable Inventions in the ſaid Province and Territories thereof.

11*thly*. That one Third of the Provincial Council reſiding with the Governour, ſhall with the Governour from time to time have the care of the management of all publick Affairs, relating to the Peace, Juſtice, Treaſury and Improvement of the Province and Territories, and to the good Education of Youth, and Sobriety of the Manners of the Inhabitants therein, as aforeſaid.

12*thly*. That the Governour or his Deputy ſhall always preſide in the Provincial Council, and that he ſhall at no time therein perform any publick Act of State whatſoever, that ſhall

or

or may relate unto the Justice, Trade, Treasury or Safety of the Province, and Territories as aforesaid, but by and with the Advice and Consent of the Provincial Council thereof.

13*thly*, And to the end that all Bills prepared and agreed by the Governour and Provincial Council, as aforesaid, may yet have the more full concurrence of the Free-men of the Province and Territories thereof; It is declared, granted and confirmed, that at the time and place in every County, for the choice of one Person to serve in Provincial Council, as aforesaid, the respective Members thereof at their said Meeting, shall yearly chuse out of themselves six Persons of most note for their Virtue, Wisdom and Ability, to serve in Assembly, as their Representatives, who shall yearly meet on the twentieth day of the third Moneth, in the Capital Town or City of the said Province, unless the Governour and Provincial Council shall think fit to appoint another place to meet in; where during eight days, the several Members may confer freely with one another, and if any of them see meet, with a Committee, which shall be at that time purposely appointed, to receive from any of them Proposals for the alteration or amendment of any of the said proposed & promulgated Bills, and on the nineth day from their so meeting, the said Assembly, after their reading over of the proposed Bills by the Clerk

Clerk of the Provincial Council, and the occasions and motives for them being open'd by the Governour, or his Deputy, shall upon the Question by him put, give their Affirmative or Negative, which to them seemeth best, in such manner as is hereafter expressed, but not less than two thirds shall make a *Quorum* in the passing of all Bills into Laws, and choice of such Officers as are by them to be chosen.

14*th*. That the Laws so prepared and proposed, as aforesaid, that are assented to by the Assembly, shall be enrolled as Laws of this Province and Territories thereof, with this Stile, *By the Governour, with the Assent and Approbation of the Free-men in Provincial Council and Assembly met.* And from henceforth the Meeting, Sessions, Acts and Proceedings of the Governour, Provincial Council and Assembly shall be stiled and called, *The Meeting-Sessions and Proceeding of the Province of* Pennsylvania, *and the Territories thereunto belonging.*

15*th*. And that the Representatives of the People in Provincial Council and Assembly, may in after Ages bear some proportion with the increase and multiplying of the People, the Numbers of such Representatives of the People may be from time to time increased and enlarged, so as at no time the number exceed seventy two for the Provincial Council, and two hundred for

for the Assembly; the appointment and proportion of which Number, as also the laying and methodizing of the choice of such Representatives in future time, most equally to the division of the Country, or number of the Inhabitants, is left to the Governour and Provincial Council to propose, and the Assembly to resolve, so that the order of proportion be strictly observed, both in the choice of the Council, and the respective Committees thereof, viz. one third to go off, and come in yearly.

16th. That from, and after the Death of this Present Governour, the Provincial Council shall, together with the succeeding Governour, erect from time to time standing Courts of Justice, in such Places and Number as they shall judge convenient for the good Government of the said Province and Territories thereof; and that the Provincial Council shall on the thirteenth day of the second Moneth, then next ensuing, elect and present to the Governour, or his Deputy, a double number of Persons, to serve for Judges, Treasurer, and Master of the Rolls within the said Province and Territories, to continue so long as they shall well behave themselves in those Capacities respectively, and the Free-men of the said Province in an Assembly met on the thirteenth day of the third Moneth, yearly elect, and then Present to the Governour or his Deputy a double number of Persons to serve for

Sheriffs.

Sheriffs, Justices of the Peace, and Coroners for the Year next ensuing, out of which respective Elections and Presentments, the Governour or his Deputy shall nominate and commissionate the proper numbers for each Office the third day after the said respective Presentments, or else the first named in such Presentment for each Office, as aforesaid, shall stand and serve in that Office the time before respectively limited: And in cases of Death or Default, such vacancy shall be supplyed by the Governour and Provincial Council in manner aforesaid.

17th. That the Assembly shall continue so long as may be needful, to impeach Criminals fit to be there impeached, to pass such Bills into Laws as are proposed to them, which they shall think fit to pass into Laws, and till such time as the Governour and Provincial Council shall declare, *That they have nothing further to propose unto them for their Assent and Approbation*: & that declaration shall be a Dismiss to the Assembly for that time. Which Assembly shall be notwithstanding capable of assembling together upon the summons of the Governour and Provincial Council at any time during that year, if the Governour and Provincial Council shall see occasion for their so assembling.

18th. That all the Elections of Members or Repre-

Representatives of the People, to serve in Provincial Council and Assembly, and all Questions to be determined by both or either of them, that relate to choice of Officers, and all or any other Personal matters, shall be resolved or determined by the *Ballot*; and all things relating to the Preparing and passing of Bills into Laws, shall be openly declared and resolved by the *Vote*.

19*th*. That at all times when the Proprietary and Governour shall happen to be an Infant, & under the Age of one and twenty Years, and no Guardians or Commissioners are appointed in writing by the Father of the said Infant, or that such Guardian shall be deceased, that during such Minority, the Provincial Council shall from time to time, as they shall see meet, constitute and appoint Guardians & Commissioners, not exceeding three, one of which shall preside as Deputy and chief Guardian, during such Minority, and shall have and execute, with the consent of one of the other two, all the Power of a Governour in all publick Affairs and Concerns of the said *Province* and *Territories* thereof, according to *Charter*; which said Guardian so appointed, shall also have the care & over-sight of the Estate of the said Minor, and be yearly accountable and responsable for the same to the Provincial Council, and the Provincial Council to the Minor when of Age, or to the next Heir in case of the Minor's death, for the Trust before expressed.

20*th*. That

20th. That as often as the days of the Month mentioned in any Article of this Charter, shall fall upon the First day of the Week, commonly called the *Lords day*, the business appointed for that day shall be differred till the next day, unless in cases of Emergency.

21. And for the Satisfaction and Encouragement of all Aliens, I do give and grant, that if any Alien, who is or shall be a purchasor, or who doth or shall inhabit in this Province or Territories thereof, shall decease at any time, before he can well be naturalized, his Right and Interest therein shall notwithstanding descend to his Wife and Children, or other his Relations, be he Testate or Intestate, according to the Laws of this *Province* and *Territories* thereof in such cases provided, in as free and ample manner, to all intents and purposes, as if the said Alien had been naturaliz'd.

22. And that the Inhabitants of this *Province* and *Territories* thereof may be accommodated with such Food and Sustenance, as God in his Providence hath freely afforded, I do also further grant to the Inhabitants of this *Province & Territories* thereof, liberty to fowl and hunt upon the *Lands* they hold, or all other *Lands* therein, not enclosed, and to fish in all Waters in the said *Lands*, and in all *Rivers* and *Rivulets* in and belonging

belonging to this *Province* and *Territories* thereof, with liberty to draw his or their Fish on shore on any mans *Lands*, so as it be not to the detriment or annoyance of the Owner thereof, except such *Lands* as do lie upon Inland *Rivulets* that are not Boatable, or which are or may be hereafter erected into Mannors.

23. And that all the Inhabitants of this *Province* and *Territories* thereof, whether Purchasors or others, may have *the last worldly Pledge of my good and kind Intentions* to them and their Heirs, I do *give*, *grant* and *confirm* to all and every one of them *full and quiet Possession* of their respective *Lands*, to which they have any *lawful* or *equitable Claim*, saving only such Rents and Services for the same, as are or customarily ought to be reserved to *Me*, my *Heirs* & *Assigns*.

24. That no *Act*, *Law* or *Ordinance* whatsoever shall at any time hereafter be made or done by the *Proprietary* and *Governour* of this *Province* and *Territories* thereunto belonging, his Heirs, or Assigns, or by the *Free-men* in *Provincial Council* or *Assembly*, to alter, change or diminish the form or effect of this *Charter*, or any part or clause thereof, contrary to the true intent and meaning thereof, without the consent of the *Proprietary* and *Governour*, his *Heirs* or *Assigns*, and *Six parts* of *Seven* of the said *Free-men* in *Provincial Council* and *Assembly* met.

25. And

25. And *Laſtly*, I the ſaid *William Penn*, Pro-
prietary and Governour of the Province of
Pennſylvania, and *Territories* thereto belonging,
for me, my *Heirs* and *Aſſigns*, have ſolemnly De-
clared, *Granted* and *Confirmed*, and do hereby ſo-
lemnly *Declare*, *Grant & Confirm*, that neither I,
my *Heirs* nor *Aſſigns*, ſhall procure or do any
thing or things whereby the *Liberties* in this
Charter contained and expreſſed ſhall be in-
fringed or broken: And if any thing be procu-
red by any Perſon or Perſons contrary to the
Premiſes, it ſhall be held of no force or effect.
In *Witneſs* whereof, I the ſaid *William Penn* at
Philadelphia in *Pennſylvania*, have unto this pre-
ſent *Charter of Liberties* ſet my Hand and broad
Seal, this ſecond day of the ſecond Moneth, in
the Year of our Lord 1683. being the thirty-
fifth year of the King, and the third year of
my Government.

William Penn

THE END.